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August 6, 2019

***Via Electronic Filing
& Regular Mail***

Honorable Joel H. Slomsky
United States District Court
for the Eastern District of Pennsylvania
5614 United States Courthouse
601 Market Street
Philadelphia, PA 19106

***Re: Tamika Johnson, Individually and as Administrator of the Estate of
Alita Johnson and Haashim Johnson, a Minor and Horace McCouellem,
Deceased v. City of Philadelphia, Philadelphia Fire Department, Philadelphia
Fire Commissioner Adam Thiel Jane Doe Philadelphia Fire Department
Dispatcher and Jane Doe Philadelphia Fire Department Operator
USDC for the Eastern District of Pennsylvania; Docket No.: 18-cv-4665***

Dear Judge Slomsky:

We represent the Estates of Johnson and McCouellem in the above matter. On July 31, 2019, the Court issued an Order and Opinion which dismissed the entirety of Plaintiff's seven-count Complaint except Count V. Regarding Count V, in which Plaintiff alleges an Equal Protection claim, the Court granted Plaintiff leave to amend this claim by August 16, 2019. (See Order at ECF Doc. No. 22). As it stands, the Court's Order is therefore "interlocutory" in nature, rather than "final." See e.g. United States ex rel. Petratos v. Genentech, Inc., 855 F.3d 481, 493 (3rd Cir. 2017) ("[T]he grant of a leave to amend is an interlocutory order.").

Plaintiff has determined that she will not file an Amended Complaint with respect to Count V. Plaintiff is currently considering her appellate options, but while the Court's Order of dismissal remains interlocutory, the Third Circuit Court of Appeals lacks jurisdiction to review the Order. See 28 U.S.C.S. §§ 1291 and 1292. Since Plaintiff will not be amending the only remaining Count in her Complaint, she respectfully requests that the Court enter its Order as a "final" Order, so that Plaintiff may promptly consider her appellate options before the Third Circuit.

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I greatly appreciate your consideration in this regard.

Respectfully submitted,



THOMAS A. LYNAM, III

TAL/mi

Cc: Matthew Kevin Hubbard, Esquire (*via electronic filing*)